

# Federal Defenders OF NEW YORK, INC.

Southern District  
52 Duane Street-10th Floor, New York, NY 10007  
Tel: (212) 417-8700 Fax: (212) 571-0392

David E. Patton  
*Executive Director*

*Southern District of New York*  
Jennifer L. Brown  
*Attorney-in-Charge*

May 24, 2021

## **BY EMAIL**

Honorable Katherine Polk Failla  
United States District Judge  
Southern District of New York  
40 Foley Square  
New York, NY 10007

**MEMO ENDORSED**

**Re: United States v. Mark Putnam  
20 Cr. 362 (KPF)**

Honorable Judge Failla,

I write, as counsel to Mark Putnam in the above-captioned matter, to respectfully request that the Court modify Mr. Putnam's pretrial conditions of release to remove the location monitoring condition. Pretrial Services and the Government consent to this request.

On Monday, March 16, 2020, Mr. Putnam was presented in Magistrate Court. Magistrate Judge Stewart D. Aaron set the following bail conditions:

\$25,000 personal recognizance bond to be co-signed by two financially responsible persons; compliance with pre-trial supervision as directed; surrender of travel documents with no new applications and travel restricted to the Southern and Eastern Districts of New York (which may be extended for work purposes with approval from pretrial services); submission to urinalysis; no possession of firearms/destructive devices/other weapons; and no contact with the alleged victim.

On Wednesday, March 18, 2020, the Government appealed Magistrate Judge Aaron's bail determination to Part I. In addition to the above bail conditions, Judge Caproni ruled that Mr. Putnam must also be subject to a curfew, from 8pm to 5am, which may be extended for work purposes with approval from pretrial services. The curfew is enforced by electronic monitoring. The following day, Mr. Putnam requested (on consent of the Government and pretrial services) that the bail conditions be modified to allow him to travel to the District of New Jersey for medical appointments only. Magistrate Judge Aaron subsequently modified the bail conditions accordingly.

On June 25, 2020, Magistrate Judge Gorenstein granted Mr. Putnam's request for a bail modification to enable him to continue working full time while his case is pending, amending the conditions as follows: (1) replacement of electronic monitoring by GPS location monitoring; (2) removal of curfew; and (3) imposition of the requirement that Mr. Putnam maintain or seek employment.

On April 12, 2021, the Court granted Mr. Putnam's request for a bail modification to allow him to reside in New Jersey following an electrical fire that demolished Mr. Putnam's home. Unfortunately, despite his best efforts, Mr. Putnam has been unable to secure permanent housing in New Jersey and has continued to reside in temporary housing in New York City. Currently, Mr. Putnam is residing in a men's shelter.

On May 4, the Court granted Mr. Putnam's request to reside with a good friend in the District of Connecticut and Mr. Putnam's supervision was transferred to the District of Connecticut. After speaking with Mr. Putnam's Pretrial Services officer and consulting with the Government, the parties believe that given Mr. Putnam's year-long compliance with the conditions of his pretrial release, GPS location monitoring is no longer appropriate. Accordingly, Mr. Putnam now respectfully requests a bail modification to remove the GPS location monitoring condition of his release. The Government and Pretrial Services consent to this request.

Thank you for your consideration of this request.

Respectfully submitted,

/s/

Marne Lenox  
Assistant Federal Defender  
(212) 417-8721

cc: Marguerite Colson, Assistant U.S. Attorney

Application GRANTED.

SO ORDERED.

Dated: May 24, 2021  
New York, New York



HON. KATHERINE POLK FAILLA  
UNITED STATES DISTRICT JUDGE